

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	Case No. 8:13CR105
)	
Plaintiff,)	
)	
-vs-)	MOTION TO ALLOW
)	CIVILIAN CLOTHING
)	
TIMOTHY DEFOGGI,)	
)	
Defendant.)	

COMES NOW, the Defendant, by and through his attorney of record and hereby moves this Court for an order directing the defendant and any transportation officers from the U.S. Marshals, wear civilian clothing at any time when the defendant is present in the United States District Court for the District of Nebraska for appearances at either jury selection hearings, trial or at any other time when the defendant will be in the presence of the jury.

As grounds for the motion, the Defendant alleges that the attire may prejudice the Defendant's right to receive a fair trial and due process of the law as guaranteed by both the United States Constitution and the constitution of the State of Nebraska and the Statute of the State of Nebraska.

Respectfully submitted,
Timothy Defoggi, Defendant

/s/ John S. Berry
John S. Berry, #22627
BERRY LAW FIRM
2650 North 48th Street
Lincoln, NE 68508
john@jsberrylaw.com
(402) 466-8444

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Michael Norris, Assistant U.S. Attorney and Keith A. Becker, U.S. Department of Justice, by electronically serving a copy of the same to both via CM/ECF, on this the 31st day of July, 2014.

/s/ John S. Berry
John S. Berry, #22627